

Tharan Gregory Lanier (State Bar No. 138784)
 tglanier@JonesDay.com
 Nathaniel P. Garrett (State Bar No. 248211)
 ngarrett@JonesDay.com
 Joshua L. Fuchs (*Pro Hac Vice*)
 jlfuchs@JonesDay.com
 Joseph M. Beauchamp (*Pro Hac Vice*)
 jbeauchamp@jonesday.com
 JONES DAY
 555 California Street, 26th Floor
 San Francisco, CA 94104
 Telephone: +1.415.626.3939
 Facsimile: +1.415.875.5700

Kenneth A. Gallo (*Pro Hac Vice*)
 kgallo@paulweiss.com
 William B. Michael (*Pro Hac Vice*)
 wmichael@paulweiss.com
 J. Steven Baughman (*Pro Hac Vice*)
 sbaughman@paulweiss.com
 Crystal M. Johnson (*Pro Hac Vice*)
 cjohnson@paulweiss.com
 PAUL, WEISS, RIFKIND, WHARTON &
 GARRISON LLP
 2001 K Street NW
 Washington, DC 20006-1047
 Telephone: +1.202.223.7356
 Facsimile: +1.202.204.7356

Kristin L. Cleveland (State Bar No. 184639)
 kristin.cleveland@klarquist.com
 John D. Vandenberg (*Pro Hac Vice*)
 john.vandenberg@klarquist.com
 J. Christopher Carraway (*Pro Hac Vice*)
 christopher.carraway@klarquist.com
 Garth A. Winn (*Pro Hac Vice*)
 garth.winn@klarquist.com
 Mark W. Wilson (*Pro Hac Vice*)
 mark.wilson@klarquist.com
 Kyle B. Rinehart (*Pro Hac Vice*)
 kyle.rinehart@klarquist.com
 Roy Chamcharas (*Pro Hac Vice*)
 roy.chamcharas@klarquist.com
 KLARQUIST SPARKMAN, LLP
 121 SW Salmon Street, Suite 1600
 Portland, OR 97204
 Telephone: +1.503.595.5300
 Facsimile: +1.503.595.5301

*Attorneys for Defendant/Counterclaim-
 Plaintiff SAP SE and Defendants SAP
 AMERICA, INC. and SAP LABS, LLC*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

TERADATA US, INC.,
 Plaintiff,

 and

 TERADATA CORPORATION and
 TERADATA OPERATIONS, INC.,
 Plaintiffs/Counterclaim-Defendants,

 v.

 SAP SE,
 Defendant/Counterclaim-Plaintiff,

 and

 SAP AMERICA, INC. and SAP LABS, LLC,
 Defendants.

Case No. 3:18-cv-03670-WHO

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND EXPERT
 DISCOVERY AND *DAUBERT*
 MOTION DEADLINES**

1 The parties hereto, through their respective counsel of record, hereby stipulate to the
 2 following regarding the expert discovery and *Daubert* motion deadlines, subject to approval by
 3 the Court. The deadlines for expert discovery were issued by this Court in its initial scheduling
 4 order (ECF No. 84), and were later modified in July 2020 (ECF No. 227), in March 2021 (ECF
 5 No. 393) and June 2021 (ECF No. 442).

6 WHEREAS the current expert discovery cutoff is August 13, 2021, and the current
 7 deadline to file any *Daubert* motion is August 25, 2021, for any *Daubert* motions the Parties seek
 8 to have the Court consider with summary judgment motions;

9 WHEREAS the Court extended the time for expert replies from July 9 to July 23 (ECF
 10 No. 442);

11 WHEREAS in light of the change in the time available for expert depositions to take place
 12 after the Parties served their expert replies, the Parties have agreed to take the deposition of
 13 SAP's expert Mr. Greg Anicich on August 20, 2021 to accommodate Mr. Anicich's personal
 14 schedule.

15 STIPULATION

16 THEREFORE, the Parties stipulate that:

- 17 1. Mr. Anicich's deposition may occur on August 20, 2021;
- 18 2. Should Teradata seek for the Court to consider a *Daubert* motion for Mr.
 19 Anicich's opinions with summary judgment motions, Teradata may file such a
 20 *Daubert* motion on or before August 30, 2021;
- 21 3. Should Mr. Anicich disclose new opinions or analyses in his deposition,
 22 Teradata's experts may respond to that in supplemental disclosures to be
 23 considered with summary judgment motions if SAP relies on any of those opinions
 24 or analyses for summary judgment purposes; if SAP does not rely on any of those
 25 opinions or analyses for summary judgment purposes, the Parties will meet and
 26 confer before trial to agree upon an appropriate way for Teradata's experts to
 27 respond to those new opinions and analyses; and
- 28 4. No other current deadlines are changed.

1 IT IS HEREBY STIPULATED.

2
3 Dated: July 29, 2021

JONES DAY

4 By: /s/ Nathaniel P. Garrett
Nathaniel P. Garrett

5
6 Counsel for Defendant/Counterclaim-Plaintiff
7 SAP SE and Defendants SAP AMERICA,
INC. and SAP LABS, LLC

8
9 Dated: July 29, 2021

MORRISON & FOERSTER LLP

10 By: /s/ Mark L. Whitaker
Mark L. Whitaker

11
12 Counsel for Plaintiffs and Counterclaim
13 Defendants TERADATA CORPORATION,
14 TERADATA US, INC. and TERADATA
15 OPERATIONS, INC.

16
17 IT IS SO ORDERED.

18
19 Dated: _____, 2021

20 THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE

ECF ATTESTATION

I, Nathaniel P. Garrett, hereby attest pursuant to Local Rule 5-1(i)(3) that each signatory of this document has concurred to its filing.

Dated: July 29, 2021

JONES DAY

By: /s/ Nathaniel P. Garrett

Nathaniel P. Garrett

Counsel for Defendant/Counterclaim-Plaintiff
SAP SE and Defendants SAP AMERICA,
INC. and SAP LABS, LLC